

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Hein <i>et al.</i>	Confirmation No.:	2353
Appl. No.:	09/005,318	Group Art Unit:	1647
Filed:	January 9, 1998	Examiner	Romeo, David S.
For:	NOVEL EPITHELIAL TISSUE TARGETING AGENT		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(c)

I, Edward R. Ergenzinger, am an attorney of record of the disclaimant, Biolex, Inc., and am authorized to execute this disclaimer on behalf of Biolex, Inc.. The disclaimant, Biolex, Inc., having a principal place of business at 4819 Emperor Blvd, Suite 400, Durham, NC 27703, is the owner of all right, title, and interest in the above-identified application, by Assignment filed 06/22/1998, and recorded at Reel 009264, Frame 0016.

The disclaimant hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of United States Patent No. 6,440,419, issued 08/27/02, entitled NOVEL EPITHELIAL TISSUE IMAGING AGENT, which patent was assigned to the above-identified disclaimant by an Assignment recorded 10/15/2004, at Reel 015246, Frame 0793; United States Patent No. 7,022,309, issued 02/05/02, entitled NOVEL EPITHELIAL TISSUE IMAGING AGENT, which patent was assigned to the above-identified disclaimant by an Assignment recorded 10/15/2004, at Reel 015246, Frame 0793; any patent issuing from United States Serial No. 11/324,947, filed 01/04/06, entitled NOVEL EPITHELIAL TISSUE IMAGING AGENT, which patent application was assigned to the above-identified disclaimant by an Assignment recorded 10/15/2004, at Reel 015246, Frame 0793.

Disclaimant further agrees that any patent so granted on the above-identified application, which is the subject of this disclaimer, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent Nos. 6,440,419 and 7,022,309 and any patent issuing from U.S. Patent Application Serial No. 11/324,947, this

agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified application which is prior to the expiration of the full statutory term of U.S. Patent Nos. 6,440,419 and 7,022,309 and any patent issuing from U.S. Patent Application Serial No. 11/324,947 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(c), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully submitted,

/edward r. ergenzinger/

Date: May 25, 2007

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